

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

ELIZABETH JOJO,

Plaintiff,

v.

ANDREW M. SAUL, Commissioner of the
Social Security Administration,

Defendant.

CAUSE NO.: 3:20-CV-549-TLS-JEM

ORDER

This matter is before the Court on the Report and Recommendation of the United States Magistrate Judge [ECF No. 21], filed by Magistrate Judge John E. Martin. On June 29, 2020, the Plaintiff filed a Complaint [ECF No. 1] in which she sought to appeal a final administrative decision denying her request for disability benefits. The matter was referred to Magistrate Judge Martin for a Report and Recommendation on all issues, including attorney fees. *See* Order, ECF No. 7. The Plaintiff filed an Opening Brief [ECF No. 15], and the Defendant filed an Agreed Motion for Reversal with Remand for Further Administrative Proceedings [ECF No. 16]. The Court granted the Agreed Motion on February 25, 2021 [ECF No. 17].

On March 17, 2021, the Plaintiff filed her Motion for Award of Attorney Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [ECF No. 19], seeking an award of \$8,087.00 in attorney fees, \$290.00 in paralegal fees, and \$445.85 in expenses. On March 30, 2021, the Defendant filed its Response to Plaintiff's Petition for Attorney Fees Pursuant to 28 U.S.C. § 2412 [ECF No. 20], in which the parties agreed to an award of \$7,600.00 in attorney fees under the EAJA and \$420.85 in expenses. On April 8, 2021, Magistrate Judge Martin issued a Report and Recommendation [ECF No. 21], recommending

that the Court grant the Plaintiff's Motion for Award of Attorney Fees and Expenses in the agreed amount of \$7,600.00 in attorney fees under the EAJA and \$420.85 in costs.

The Court's review of a Magistrate Judge's Report and Recommendation is governed by 28 U.S.C. § 636(b)(1)(C), which provides as follows:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

28 U.S.C. § 636(b)(1)(C); *see also* Fed. R. Civ. P. 72(b)(2) ("Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations."). Portions of a recommendation to which no party objects are reviewed for clear error. *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999). Judge Martin gave the parties notice that they had fourteen days to file objections to the Report and Recommendation. As of the date of this Order, neither party has filed an objection to Judge Martin's Report and Recommendation, and the time to do so has passed. The Court has reviewed the Report and Recommendation and finds that the Magistrate Judge's proposed disposition is well taken.

Therefore, the Court ACCEPTS, IN WHOLE, the Report and Recommendation of the United States Magistrate Judge [ECF No. 21]. The Court GRANTS the Motion for Award of Attorney Fees and Expenses Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [ECF No. 19], and awards the Plaintiff \$7,600.00 in fees under the EAJA and \$420.85 in costs. If the Commissioner can verify that the Plaintiff owes no pre-existing debt subject to federal offset, the award will be made payable to the Plaintiff's attorney pursuant to the EAJA assignment

signed by the Plaintiff and her attorney. The Court DIRECTS the Clerk of Court to correct docket entry 20 to reflect the document filed, which is the Defendant's Response to Plaintiff's Petition for Attorney Fees Pursuant to 28 U.S.C. § 2412 [ECF No. 20].

SO ORDERED on May 5, 2021.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT